

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

ALLIANCE FOR HIPPOCRATIC MEDICINE,	)	
<i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 2:22-cv-00223-z
	)	
U.S. FOOD AND DRUG ADMINISTRATION,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**MOTION OF JUDICIAL WATCH, INC. FOR LEAVE TO FILE AN  
*AMICUS CURIAE* BRIEF IN SUPPORT OF PLAINTIFFS' COMPLAINT  
AND MOTION FOR TEMPORARY INJUNCTION**

Pursuant to Fed. R. Civ. P. 7, proposed *amicus*, Judicial Watch, Inc., respectfully seeks this Court's leave to file the attached *amicus curiae* brief in support of Plaintiffs' Complaint (ECF. No. 1) and Plaintiffs' Motion for Preliminary Injunction (ECF. No. 6). *See* Local Rule 7.2(b). Counsel for Plaintiffs and Defendants have agreed to provide open consent to the filing of *amicus curiae* briefs in this case. *See* Local Rule 7.1(a).

In support of this motion, proposed *amicus* states as follows:

Proposed *amicus*, Judicial Watch, Inc. ("Judicial Watch") is a non-partisan, public interest organization headquartered in Washington, D.C. Founded in 1994, Judicial Watch seeks to promote accountability, transparency and integrity in government, and fidelity to the rule of law. Judicial Watch regularly files *amicus curiae* briefs and lawsuits related to these goals in both state and federal courts.

Proposed *amicus* should be granted leave to file the accompanying brief for two reasons. First, this case concerns a subject matter in which Judicial Watch has been involved for over two

decades: drugs approved by the federal government that intentionally end pregnancy. *See e.g., Judicial Watch, Inc. v. FDA*, 449 F.3d 141 (D.C. Cir. 2006). Judicial Watch has used the Freedom of Information Act (“FOIA”) law and subsequent lawsuits to obtain information vital to this case. *Id.* Second, the broader implication of this case extends beyond the specific subject matter into the larger concern of federal executive agency overreach. Judicial Watch has championed the constitutional principles of separation of powers and the balance of powers, and seeks to assist the Court in analyzing the implications of undue deference given a federal agency – particularly when there is evidence of improper political interference.

The Court has discretion regarding the filing of *amicus curiae* briefs as there is no controlling Federal Rules of Civil Procedure rule for motions for leave to appear as *amicus curiae* in federal district courts. “The Court has discretion to consider ‘amicus’ briefing where ‘the proffered information is timely and useful or otherwise necessary to the administration of justice.’” *United States ex rel. Long v. GSD & M Idea City LLC*, 2014 U.S. Dist. LEXIS 185691, \* 11 (N.D. Tex. Aug. 8, 2014) (*quoting Does 1-7 v. Round Rock Indep. Sch. Dist.*, 540 F. Supp. 2d 735, 738 n.2 (W.D. Tex 2007); *see also Canamar v. McMillian Tex. Mgmt. Servs., LLC*, 2009 U.S. District LEXIS 108986, \* (W. D. Tex. Nov. 20, 2009) (*citing Ryan v. Cmty. Futures Trading Comm’n*, 125 F.3d 1062, 1063 (7<sup>th</sup> Cir. 1997) (stating “amicus briefs should be allowed ‘when the amicus has unique information or perspective that can help the court beyond that the lawyers for the parties are able to provide.’”) (citation omitted).

Judicial Watch’s *amicus* brief offers the Court timely and useful information from the unique perspective of an organization that has invested a great deal of time and analysis to the subject matter.

### **CONCLUSION**

For these reasons, proposed amicus respectfully requests the Court grant the motion for leave to file the attached *amicus curiae* brief.

Dated: February 10, 2023

Respectfully submitted,

/s/ Meredith Di Liberto

Meredith Di Liberto  
N.D. Texas No. 487733DC  
D.C. Bar No. 487733  
Judicial Watch, Inc.  
425 Third St., SW, Suite 800  
Washington, DC 20024  
(202) 646-5172  
mdiliberto@judicialwatch.org

*Counsel for Proposed Amicus Curiae*

### **CERTIFICATE OF CONFERENCE**

Parties have agreed to permit the filing of *amicus curiae* briefs, thereby satisfying the requirements of Local Rule 7.1.

/s/ Meredith Di Liberto

Meredith Di Liberto

### **CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing was served, pursuant to the Federal Rules of Civil Procedure, on all counsel of record appearing herein via ECF on this 10th day of February, 2023 by the filing of this pleading with the Clerk of Court for the U.S. District Court for the Northern District of Texas using the Court's ECF system.

/s/ Meredith Di Liberto

Meredith Di Liberto